FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR

WRIT PETITION No. 2956/2006
(Judiciary & Bar Sanctity Protection Forum, Amravati vs. Deepak M.Shrimali and others)

Office Notes, Office Memorandum of Coram appearances, Court's orders of directions and Registrar's orders.	Court's or Judges Order

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Mr. S.S. Gawali, Advocate (in-person).

CORAM: A.H. JOSHI & R.C. CHAVAN, JJ.
DATE OF RESERVING : 18th JUNE, 2007.
DATE OF PRONOUNCEMENT: 6th JULY, 2007.

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1. Heard Mr. S.S. Gawali, Advocate, in-person.

2. This Petition, which is styled as Public Interest Litigation, purports to raise issues which, according to petitioner, are of larger importance.

3. Petitioner has prayed for calling of record of general body meeting of the Bar Association of Amravati held on 4.1.2006.

4. According to the petitioner, there was disorder in the meeting held on 4.1.2006 and it was adjourned, yet the

Committee-members created a record that a resolution was adopted and falsely recorded resolution No.3, by which monthly subscription of the association is increased from Rs. 20/- to Rs. 40/-.

5. Petitioner is aggrieved by said falsely recorded resolution and, therefore, he claims that the record be called and the resolution be quashed.

6. Petitioner is also aggrieved as when he demanded the copy of resolution which was so falsely recorded, he was called upon to pay Rs.10/- as copying fee which too is unjust and exorbitant.

7. Next prayer made by the petitioner pertains to violation of Standing Orders of the High Court relating to display of programmes which are routinely telecast on the Television set kept in the Bar Room.

8. He, then, prays for compensation and compensatory costs for being required to file the instant petition.

9. Petition was heard from time to time. In futherence to direction of this Court, petitioner has filed

written submissions. In the written submissions, the petitioner has made various submissions which do not pertain to or refer to the prayers. It seems that petitioner has some grievance about the then District Judge as well as serious grievance against Office-bearers and Managing Committee of the Bar Association.

10. On earlier dates of hearing, a question was put to party-in-person, as to how a question as regards legality or validity of resolution of Bar Association, which is registered under the Bombay Public Trusts Act, could be a matter of challenge in the writ court. Mr. Gawali, learned Advocate submitted that since annual fee has been increased exorbitantly, that it results in violation of fundamental rights of the members of the Bar and, therefore, he has right to challenge it before this constitutional forum.

11. We find that with increase in cost of infrastructure stationary, conveyance, remuneration of staff, an isolated view of increase in the fee of Bar Association cannot be taken. Moreover, the petitioner who styles himself as a “Judiciary & Bar Sanctity Protection Forum, Amravati,”

seems to be the sole torch-bearer of the issues in as much as none has come forward to join him in the cause. The petitioner could have very well represented his grievances to the Association.

12. In so far as viewing of television programmes is concerned, instructions issued by the High Court consist of two things, namely installation of television set is to be done with the permission of the District Judge or, in case of Taluqa Court, the Principal Judicial Officer. The second direction pertains to manner of viewing TV and, in this regard, instructions of the High Court are that the President and office -bearers of the Bar Association have to ensure that viewing of the television shall not disturb the functioning of the Court. The petition does not contain an allegation that due to viewing of television, the functioning of the Court was disturbed. Moreover, if there be any such occasion, such disturbance has to be brought to the notice of office-bearers and, if necessary to the Judicial Officer/s in charge. Hence directions in this regard are not called for.

13. In this background, this Court finds that the

questions involved in the Petition are not only disputed but those pertain to management ,administration and working of a Public Trust, for which writ jurisdiction would not be an appropriate forum. Moreover considering the disputed questions of facts involved in this Petition, interference at the hands of this Court is not at all called for.

14. Petition is accordingly liable to be dismissed and the same is dismissed.

JUDGE JUDGE

sahare